

REMARKS

Claims 9, 12, 13, 15, 16, 18-20 and 22-24 are pending and stand rejected.

Provisional Double Patenting Rejections

The Examiner provisionally rejected claims 9, 13, 15, 16, 18-20 and 22-24 on the grounds of nonstatutory obviousness-type double patenting over claims 19 and 23 of application 10/538,417 (the “417 application”). Claim 12 is provisionally rejected on the same grounds over claim 23 of the ‘417 application in view of Parsley et al., U.S. Published Application 2004/0244973 (the “973 publication”).

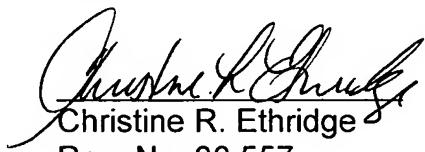
To advance prosecution of the Subject Application, and without any admission that the basis for the obviousness type double patenting rejection is correct, the assignee of the entire interest in the Subject Application and the ‘417 application submits herewith a Terminal Disclaimer to obviate the provisional double patenting rejections, together with a Statement Under 37 CFR 3.73(b). Applicants submit that the ‘973 publication does not alone disclose the claimed invention or render it obvious.

There being no other grounds for rejection of the claims, applicants submit that the pending claims are now in condition for allowance. Withdrawal of the provisional obviousness type double patenting rejections and allowance of claims 9, 12, 13, 15, 16, 18-20 and 22-24 are respectfully requested.

Conclusion

Applicants have made every effort to advance prosecution of the Subject application. Consideration of the Terminal Disclaimer, withdrawal of the provisional double patenting rejections and allowance of claims 9, 12, 13, 15, 16, 18-20 and 22-24 are respectfully requested. If the undersigned can be of assistance in advancing the application to allowance, the Examiner may contact the undersigned at the number set forth below.

Respectfully submitted,



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